

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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UNITED STATES OF AMERICA : CRIMINAL NO. 19-728-1

[illegible]

V.

CRAIG ALEX LEVIN, : Philadelphia, Pennsylvania
: June 29, 2022
Defendant : 11:01 a.m.

— — —

TRANSCRIPT OF CHANGE OF PLEA HEARING
BEFORE THE HONORABLE HARVEY BARTLE, III
UNITED STATES DISTRICT COURT JUDGE

— — —

APPEARANCES:

For the Government: MICHELLE ROTELLA, ESQUIRE
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4 Proceedings recorded by electronic sound
5 recording; transcript produced by computer-aided
6 transcription service.

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1 (The following was heard in open court at
2 11:01 a.m.)

3 THE COURT: The Court has before it this
4 morning a change of plea hearing in the case of The
5 United States of America versus Craig Alex Levin,
6 criminal action number 19-728. Mr. Scheidt, would
7 you please swear in the defendant?

8 COURTROOM DEPUTY: Mr. Levin, would you
9 please rise and raise your right hand, sir?

10 CRAIG ALEX LEVIN, Defendant, Sworn.

11 COURTROOM DEPUTY: Thank you. Please be
12 seated.

13 THE COURT: Mr. Levin, do you read, write,
14 and understand the English language?

15 THE DEFENDANT: Yes, I do, Your Honor.

16 THE COURT: Do you understand that during
17 these proceedings, I will be asking you a series of
18 questions?

19 THE DEFENDANT: Yes.

20 THE COURT: And I will assume that your
21 answers are truthful?

22 THE DEFENDANT: Yes.

23 THE COURT: Since you are now sworn and are
24 under oath, do you understand that if you should give
25 me false answers, you are subject to possible

1 prosecution for perjury, that is lying under oath?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you also understand that I
4 will be asking you questions in order to satisfy
5 myself that you are competent and able to enter a
6 plea?

7 THE DEFENDANT: Yes.

8 THE COURT: And to satisfy myself that if
9 you decide to plead guilty, that you are knowingly
10 and voluntarily giving up certain rights to which you
11 would be entitled if you went to trial?

12 THE DEFENDANT: Yes.

13 THE COURT: If at any time you do not
14 understand a question I'm asking you or you wish for
15 further explanation, please indicate that to me, and
16 I'll do my best to rephrase the question or explain
17 it to you.

18 THE DEFENDANT: Okay, sir.

19 THE COURT: Also, if at any time you wish
20 to speak to your lawyer outside of my hearing, I will
21 of course permit you to do that.

22 Mr. Levin, are you a citizen of the United
23 States?

24 THE DEFENDANT: Yes.

25 THE COURT: And how old are you?

1 THE DEFENDANT: 66.

2 THE COURT: And how far did you go in
3 school?

4 THE DEFENDANT: I have a Master's Degree,
5 and after I completed my Master's Degree, I received
6 an additional 15 credits, so officially a Master's
7 plus 15 credits.

8 THE COURT: And have you been employed in
9 the last several years, and if so, what job or jobs
10 have you held?

11 THE DEFENDANT: The last teaching position
12 I held I taught at Lower Merion School District. And
13 after 30 years, I was -- I worked -- in 2010, I was
14 honored to be hired as an entry-level position for
15 Department of Commerce. I was hired as an enumerator
16 to do the census for 2010 in Montgomery County,
17 Pennsylvania. And I was quickly promoted to
18 supervisor, and then I was given additional duties of
19 teaching newly-hired enumerators.

20 Then after that, I worked -- I became
21 pretty much a professional Blackjack player in the
22 Phillippines. I did that for eight years to
23 supplement my pension.

24 THE COURT: Okay. Have you taken an drugs,
25 medicine, or pills in the last 24 hours?

1 THE DEFENDANT: No.

2 THE COURT: Have you drunk any alcoholic
3 beverages in the last 24 hours?

4 THE DEFENDANT: No.

5 THE COURT: Have you ever been hospitalized
6 or treated for mental illness or narcotic addiction?

7 THE DEFENDANT: No.

8 THE COURT: Are you currently under the
9 care of a physician?

10 THE DEFENDANT: No.

11 THE COURT: Do you understand, Mr. Levin,
12 you have a right to be represented by an attorney in
13 every stage of the proceeding against you?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: And that if you cannot afford
16 the service of an attorney, the Court will appoint
17 one to represent you free of charge?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Do you have an attorney here
20 today?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Who is that?

23 THE DEFENDANT: He's sitting next to me.
24 It's Mr. Ortiz.

25 THE COURT: Have you had ample opportunity

1 to discuss your case with Mr. Ortiz?

2 THE DEFENDANT: Yes, we have.

3 THE COURT: Are you satisfied with his
4 representation of you?

5 THE DEFENDANT: Yes, I am.

6 THE COURT: Have you received a copy of a
7 document called a superceding indictment which
8 contains the written charges made against you by the
9 grand jury?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand, Mr. Levin,
12 that the superceding indictment charges as follows:
13 that on February 6th, 2018, and May 6th, 2019, you, a
14 United States citizen, traveled from the Eastern
15 District of Pennsylvania to the Phillippines for the
16 purpose of engaging in illicit sexual conduct, that
17 is to engage in a sexual act with a minor, and that
18 you did so in violation of Title 18 United States
19 Code Section 2423(b)?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you also understand that the
22 superceding indictment charges that in or around
23 October 2018, in the Eastern District of Pennsylvania
24 and elsewhere, you did knowingly in and affecting
25 interstate and foreign commerce recruit, entice,

1 harbor, transport, provide, obtain, maintain,
2 solicit, or patronize by any means a person, that is
3 minor 5, and attempted to do so knowing and in
4 reckless disregard of the fact that minor 5 had not
5 attained the age of 18 and would be caused to engage
6 in a commercial sex act, and that you did so in
7 violation of Title 18 United States Code Sections
8 1591(a)(1), 1591(b)(2), 1591(c), 1594, and
9 1596(a)(1)?

10 THE DEFENDANT: Yes.

11 THE COURT: Are you aware that the
12 superceding indictment further charges that on or
13 about April 13th and April 17th, 2019, in the Eastern
14 District of Pennsylvania and elsewhere, you knowingly
15 distributed a visual depiction using any means and
16 facility of interstate commerce and foreign commerce,
17 including by computer, and that the producing of that
18 visual depiction involved the use of a minor engaging
19 in sexually explicit conduct, and the visual
20 depiction was of such conduct, and that you did so in
21 violation of Title 18 United States Code Section
22 2252(a)(2)?

23 THE DEFENDANT: Yes.

24 THE COURT: And finally, are you aware that
25 the superceding indictment charges that on or about

1 May 6th, 2019, in the Eastern District of
2 Pennsylvania and elsewhere, you knowingly transported
3 using means and facility of interstate and foreign
4 commerce, and in and affecting interstate and foreign
5 commerce, that is an Apple laptop, model A1466,
6 containing visual depictions that involve the use of
7 minors engaging in sexually explicit conduct,
8 including minors who had not attained 12 years of
9 age, and that you did so in violation of Title 18
10 United States Code Section 2252(a)(1)?

11 THE DEFENDANT: Yes.

12 THE COURT: Ms. Rotella, would you please
13 summarize the terms of any plea agreement if there is
14 any?

15 MS. ROTELLA: Certainly, Your Honor.
16 He's -- the defendant and the government have entered
17 into a plea agreement pursuant to 11(c)(1)(B), the
18 Rules of Criminal Procedure, in which he will plead
19 guilty to the counts that the Court just read to him,
20 that is Counts 6, 9, 11, 13, 14, and 16 of the
21 superceding indictment. The parties have agreed to
22 recommend to the Court a sentence of -- and that is
23 in, excuse me, paragraph 3. I'm sorry, Your Honor,
24 just one moment.

25 I'll go chronologically as part of the

1 guilty plea agreement. At the time of sentencing,
2 the government will move to dismiss the remaining
3 counts of the superceding indictment. That's set
4 forth in paragraph 2. We would recommend a sentence
5 of imprisonment that is consistent with the
6 recommendation that we've made in paragraph 6 of the
7 guilty plea agreement. We would comment on the
8 evidence and the circumstances of the case, and
9 nothing will limit the government in its comments at
10 sentencing or beyond.

11 Paragraph 3 of the guilty plea agreement
12 that they've entered into explains the maximum terms
13 and mandatory minimum terms, which does the Court
14 wish me to go over those now?

15 THE COURT: We'll go over that a little
16 later.

17 MS. ROTELLA: Okay. Paragraph 4 talks
18 about what he faces on supervised release, which are
19 varying terms of incarceration: up to five years on
20 Count 11; up to three years on Counts 6 and 9; up to
21 two years on Counts 13, 14, and 16; and he won't get
22 credit for any time served should he -- should he
23 violate.

24 In addition, paragraph 5 talks about his
25 obligations under the Sex Offender Registration and

1 Notification Act, which we call SORNA, a federal law.
2 As a result of his convictions, he'll be required to
3 register where he lives, where he works, and where he
4 goes to school, and he will have to comply with
5 whatever state law where he -- where he does those
6 things.

7 In paragraph 6, that is the agreement that
8 I spoke about that's been reached between the
9 parties. That's a recommendation to the Court as to
10 the resolution of this matter. And that is the
11 parties have agreed to recommend a range of
12 imprisonment, anywhere from 15 years up to 50 years
13 imprisonment, a mandatory minimum of five years of
14 supervised release, a \$30,000 special assessment
15 under the JBTA, and also as part of this agreement,
16 the defendant agrees that all contact with the
17 victims and their families, including contact through
18 any third party, is expressly prohibited.

19 As part of the agreement then, there are
20 also a number of financial agreements that have been
21 reached which are laid out in paragraphs 7, 8, and 9.
22 Paragraph 10 also indicates that he will pay the
23 Special Victims Witness Assessment in the amount of
24 \$600 at such time as directed by the Court.
25 Paragraph 11 talks about his agreement to forfeit

1 certain assets that were used to facilitate his
2 crimes here, and that is laid out on page 8 of the
3 agreement, which is in paragraph 11. He agrees to
4 forfeit his Apple Mac Pro laptop, his Samsung
5 cellular phone, an Apple laptop computer, another
6 Apple phone, a Kingston USB drive, an iMac, one
7 SanDisk memory card, an iPhone also seized from Mr.
8 Levin's home, one laptop charger, and one Black Palm
9 cellular phone. And all of those are laid out with
10 specificity, including serial numbers and IMEI
11 numbers. The remainder of that paragraph talks about
12 the obligations that Mr. Levin is subject to in terms
13 of facilitating the forfeiture action here.

14 In paragraph 12, it talks about that the
15 defendant cannot withdraw his plea if the Court
16 declines to follow any recommendation, motion, or
17 stipulation by the parties to this agreement, and
18 nobody has promised or guaranteed to him what
19 sentence this Court will impose.

20 Paragraph 13 talks about the fact that
21 though he is not pleading guilty to the other
22 offenses that are charged in the superceding
23 indictment, the defendant still admits, pursuant to
24 Guidelines Section 1B1.2, that he committed those
25 offenses, and specifically that he committed the

1 offenses that are charged in Counts 1 through 5, 7,
2 8, 10, 12, and 15, which are all the dismissed -- the
3 counts to be dismissed as part of this agreement.

4 He understands and agrees that for purposes
5 of determining his guideline range, Section 1B1.2(c)
6 provides that these other offenses which -- to which
7 he is not pleading guilty will be treated as if he
8 had been convicted of those counts charging those
9 offenses.

10 Then in part -- excuse me, paragraph 14,
11 there are certain stipulations that have been reached
12 between the parties in terms of calculating his
13 guideline range here. The defendant understands that
14 the parties accept his -- what's already been agreed
15 upon and is stated in the enhancements here. The
16 parties are free to argue the applicability of any
17 other provision. They're not binding on the
18 Probation Office or the Court, and the Court may make
19 different factual and legal determinations that we've
20 agreed to here in this plea agreement.

21 In subparagraph 14(a), the parties agree
22 and stipulate that Counts 6 and 9 do not group.
23 Subparagraph (b), the base offense level on each of
24 Counts 6 and 9 is a 24. In paragraph (c), the
25 parties agree and stipulate Counts 6 and 9 involved

1 unduly influencing a child, and that as a result, the
2 base offense level is increased by two. Paragraph
3 (d), the parties agree and stipulate that the
4 offenses in Counts 6 and 9 involve the use of a
5 computer, increasing, again, by two levels the
6 offense level. Paragraph (e) in Counts 6 and 9, both
7 involved a commercial sex act, and that as a result,
8 the base offense level is increased another two
9 points. In paragraph (f), the parties agree and
10 stipulate that Count 11 does not group with any other
11 count and that the base offense level applicable to
12 Count 11 is 30. In paragraph (g), the parties agree
13 and stipulate that the offense in Count 11 also
14 involved unduly influencing a child, and that as a
15 result, the base offense level is increased by two.
16 Paragraph (h), the offense in Count 11 involved the
17 use of a computer, also increasing his base offense
18 level by two. In paragraph (I), Count 11 involved a
19 commercial sex act, increasing his offense level by
20 two for that count.

21 As to Counts 13, 14, and 16 in paragraph
22 (j), the base offense level is a 22. In paragraph
23 (k), Counts 13, 14, and 16 are increased by five
24 levels because the offense involved distribution of
25 child pornography to a minor. In paragraph 11, the

1 parties agree and stipulate that the base offense is
2 also increased another five levels under the pattern
3 exception under 2G2.2(b)(5). It involved a pattern
4 of activity involving the sexual exploitation of a
5 minor. In paragraph (m), Counts 13, 14, and 16 again
6 are increased by another two levels because the
7 offense involved the use of a computer. In paragraph
8 (n), the 13, 14, and 16 counts are increased by
9 another two levels because it involved the
10 defendant's obstruction of justice and his
11 destruction of the computer equipment. In paragraph
12 (o), the parties agree and stipulate that the four
13 groups that are described above result in the
14 assignment of three units under the multi-count
15 adjustment and in the greater adjusted offense level
16 of 36. This results in a combined adjusted offense
17 level of 39.

18 Then in paragraph (p), the parties agree
19 and stipulate that the combined adjusted offense
20 level is increased another five levels under
21 Sentencing Guideline 4B1.5, under that pattern
22 enhancement, and that is because one, the offenses of
23 conviction are covered sex crimes; two, neither the
24 career offender nor subsection 4B -- of subsection
25 (a) of 4B1.5 apply; and three, the defendant engaged

1 in a pattern of activity involving prohibited sexual
2 conduct, meaning two or more instances. In paragraph
3 (q), the parties agree and stipulate that as of the
4 date of the agreement, he's entitled to a two-level
5 downward departure; and in paragraph (r), he's
6 entitled to another one-level -- one-level downward
7 adjustment.

8 In paragraph 15, it talks about if he were
9 to commit any other crime after the date of this
10 agreement, it outlines what the government may do
11 under the terms of this agreement, meaning that we
12 may view it as a breach of the agreement. In
13 paragraph 16, it talks about in exchange for the
14 promises in entering into the agreement, this is his
15 waiver provision. He's waiving all rights to
16 challenge his conviction, sentence, or any other
17 matter relating to his prosecution regardless under
18 which provision of law it would arise. Of course if
19 the government appeals, then the defendant may
20 appeal. But if the government does not, this is a --
21 there are limited circumstances under which Mr. Levin
22 may raise an appeal. He may do so and claim that his
23 sentence on any count of conviction exceeds the
24 statutory maximum. He may do so to challenge a
25 decision by the Sentencing Judge to impose a total

1 sentence of imprisonment above the range that is set
2 forth in paragraph 6 of this agreement, meaning above
3 the 15 to 50-year term that's been agreed upon by the
4 parties. And third, he may challenge that an
5 attorney who represented him during the course of the
6 criminal case provided constitutionally-ineffective
7 assistance of counsel. But other than that, he may
8 not file an appeal.

9 Paragraph 7 talks about that since he is
10 knowingly waiving all of his rights to appeal or
11 collaterally attack, if he nonetheless does so
12 anyway, the government may consider that a breach of
13 the agreement.

14 Paragraph 18 talks about that he is waiving
15 all of his rights under the Freedom of Information
16 Act.

17 Paragraph 19 talks about that he is
18 satisfied with the legal representation provided by
19 his attorney, that they've fully discussed this plea
20 agreement that they've negotiated, and that he has
21 agreed to plead guilty here because he admits that he
22 is guilty.

23 Paragraph 20 acknowledges that there is no
24 additional -- there are no additional promises,
25 agreements, or understandings other than what is set

1 forth in this written plea agreement. And also,
2 there was a prior proffer session, and so the proffer
3 letter, which is dated August 20th of 2021 is revoked
4 as of the date of this plea agreement.

5 THE COURT: Thank you.

6 MS. ROTELLA: Thank you.

7 THE COURT: May I see the signed agreement?

8 (Pause in proceedings.)

9 MR. ORTIZ: May I approach, Your Honor?

10 THE COURT: Yes, you may.

11 (Pause in proceedings.)

12 THE COURT: Mr. Levin, I'm having placed
13 before you the original plea agreement. Please turn
14 to the last page of that agreement. Is that your
15 signature?

16 THE DEFENDANT: Yes, it is, Your Honor.

17 THE COURT: Did you read the document
18 before you signed it?

19 THE DEFENDANT: Yes, I did.

20 THE COURT: Did you understand what it
21 said?

22 THE DEFENDANT: Yes.

23 THE COURT: Did you discuss it with your
24 attorney --

25 THE DEFENDANT: Yes, I did.

1 THE COURT: -- before you signed it?
2 There's also an additional document called
3 acknowledgment of rights which is attached. If you
4 would look at the final page of that document? Did
5 you sign that, Mr. Levin?

6 THE DEFENDANT: Yes, I did.

7 THE COURT: Did you read it before you
8 signed it?

9 THE DEFENDANT: Yes.

10 THE COURT: Did you understand what it
11 said?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Did you discuss it with your
14 attorney before you signed it?

15 THE DEFENDANT: Yes, I did.

16 THE COURT: Do you understand, Mr. Levin,
17 that this plea agreement contains what we call an
18 appellate and collateral attack waiver, that is that
19 you will not have any right to appeal any sentence
20 that I impose or any conviction except under the very
21 limited circumstances set forth in the plea
22 agreement?

23 THE DEFENDANT: I understand.

24 THE COURT: Has anyone made any threat or
25 promise or assurance to you of any kind other than

1 what is set forth in the plea agreement and
2 acknowledgment of rights to convince or induce you to
3 sign it?

4 THE DEFENDANT: No.

5 THE COURT: Do you understand that if you
6 plead guilty today, you'll give up your right to
7 challenge the superceding indictment which has been
8 returned against you by the grand jury?

9 THE DEFENDANT: Yes, I do.

10 THE COURT: Do you understand that you
11 would have a right to be tried by a jury if you plead
12 not guilty?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: Do you understand that you,
15 through your attorney, could participate in the
16 selection of any jury?

17 THE DEFENDANT: Yes.

18 THE COURT: Are you aware that if you plead
19 not guilty, you have the right to be tried with the
20 assistance of a lawyer?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Do you understand that at a
23 trial, you would be presumed to be innocent?

24 THE DEFENDANT: Yes.

25 THE COURT: And that the government would

1 be required to prove you guilty by competent evidence
2 and beyond a reasonable doubt before you could be
3 found guilty?

4 THE DEFENDANT: I understand.

5 THE COURT: Do you understand in the course
6 of a trial, the witnesses for the government would
7 have to come to court and testify in your presence?

8 THE DEFENDANT: Yes.

9 THE COURT: And that your attorney could
10 cross-examine the witnesses for the government,
11 object to evidence offered by the government, and
12 offer evidence on your behalf?

13 THE DEFENDANT: Yes.

14 THE COURT: Are you aware that if you plead
15 guilty, you'll be giving up your right to challenge
16 the manner in which the government obtained evidence
17 against you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that at a
20 trial, you would have the right to subpoena, that is
21 compel the attendance of witnesses?

22 THE DEFENDANT: Yes.

23 THE COURT: And that you would have the
24 right to present your own witnesses, including
25 character witnesses, whose testimony could possibly

1 raise a reasonable doubt about your guilt?

2 THE DEFENDANT: I understand.

3 THE COURT: Do you understand that at a
4 trial, while you would have the right to testify if
5 you chose to do so, you also would have the right not
6 to testify?

7 THE DEFENDANT: I understand.

8 THE COURT: And that no inference or
9 suggestion of guilt could be drawn from the fact that
10 you did not testify?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand that you have
13 a right not to be compelled to incriminate yourself?

14 THE DEFENDANT: I understand.

15 THE COURT: That means no one could force
16 you to make a statement or to testify about what
17 happened here.

18 THE DEFENDANT: Yes.

19 THE COURT: Are you aware that your
20 attorney could argue to the jury or the Court on your
21 behalf against the government's case?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that you
24 could only be convicted by a jury which unanimously
25 found you guilty?

1 THE DEFENDANT: Yes.

2 THE COURT: That in order to be convicted,
3 all 12 jurors would have to agree on your guilt?

4 THE DEFENDANT: Yes.

5 THE COURT: If at trial, you are found
6 guilty, do you understand that after a trial, you
7 would be able to appeal the verdict to an appellate
8 court?

9 THE DEFENDANT: Yes.

10 THE COURT: And that you could have a
11 lawyer to represent you on that appeal?

12 THE DEFENDANT: Yes.

13 THE COURT: And that if you could not
14 afford a lawyer, the Court would appoint one to
15 represent you free of charge?

16 THE DEFENDANT: I understand.

17 THE COURT: And that the appellate court
18 might or might not reverse your conviction?

19 THE DEFENDANT: Yes.

20 THE COURT: If you plead guilty and I
21 accept your plea, are you aware that you will waive,
22 that is give up forever, your right to a further
23 trial of any kind as well as the other rights that I
24 have just discussed?

25 THE DEFENDANT: I understand.

1 THE COURT: And that there will be no
2 trial?

3 THE DEFENDANT: Yes.

4 THE COURT: And, as we discussed a few
5 moments ago, that if you plead guilty, you'll be
6 giving up your right to appeal any decision, any
7 sentencing, and you would also give up your right to
8 file any later collateral attack on that sentence,
9 except as specifically provided in the guilty plea
10 agreement?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand, Mr. Levin,
13 if you plead guilty here today, you would be pleading
14 guilty to two counts of foreign travel with intent to
15 engage in illicit sexual conduct with a minor in
16 violation of Title 18 United States Code Section
17 2423(b), one count of attempted sex trafficking of a
18 minor in violation of Title 18 United States Code
19 Sections 19 -- 1591 and 1594, two counts of
20 distribution of child pornography in violation of
21 Title 18 United States Code Section 2252(a)(2), and
22 finally, one count of transportation in visual
23 depictions of minors engaged in sexually explicit
24 conduct in violation of Title 18 United States Code
25 Section 22(a)(1)?

1 THE DEFENDANT: Yes.

2 THE COURT: Now, Mr. Levin, I want to
3 review briefly with you the essential elements of
4 these crimes. For the crime of foreign travel with
5 intent to engage in illicit sexual conduct with a
6 minor, as charged in Counts 6 and 9 of the
7 superceding indictment, the elements are that you are
8 a citizen of the United States, that you traveled in
9 foreign commerce or attempted to do so, and that you
10 did so for the purpose of engaging in illicit sexual
11 conduct, that is for the purpose of engaging in a
12 sexual act with a minor or for the purpose of
13 producing child pornography.

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Now, with respect to the crime
18 of attempted sex trafficking of a minor, as charged
19 in Count 11 of the superceding indictment, the
20 elements are that you knowingly transported or
21 recruited or enticed or harbored or provided or
22 obtained or maintained or patronized or solicited a
23 person by any means, that you knew or were in
24 reckless disregard of the fact that the victim was
25 under the age of 18, that you knew or were in

1 reckless disregard of the fact that this person would
2 be engaged in a commercial sex act, and finally, that
3 your conduct was in or affecting interstate or
4 foreign commerce.

5 THE DEFENDANT: Yes.

6 THE COURT: Now, with respect to the crime
7 of distribution of child pornography, as charged in
8 Counts 13 and 14 of the superceding indictment, the
9 essential elements are that you knowingly distributed
10 a visual depiction, that the visual depiction
11 involved the use of a minor engaging in sexually
12 explicit conduct, that you knew that the production
13 of the visual depiction involved the use of a minor
14 engaging in sexually explicit conduct and portrayed a
15 minor engaged in that conduct, and finally, that the
16 visual depiction was transported in or affecting
17 interstate or foreign commerce or the visual
18 depiction was produced using materials that had been
19 transported in or affecting interstate or foreign
20 commerce.

21 THE DEFENDANT: Yes.

22 THE COURT: You understand that?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: And finally, for the crime of
25 transportation of a visual depiction of minors

1 engaged in sexually explicit conduct, as charged in
2 Count 16 of the superceding indictment, the elements
3 are that you knowingly transported a visual depiction
4 in interstate or foreign commerce by any means,
5 including by computer, that the production of such
6 visual depiction involved the use of a minor engaging
7 in sexually explicit conduct, that such visual
8 depiction is of a minor engaged in sexually explicit
9 conduct, and that you knew that at least one of the
10 performers in such visual depiction was a minor and
11 knew that the visual depiction was of such minor
12 engaged in sexually explicit conduct. Do you
13 understand that?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: Ms. Rotella, would you please
16 summarize the factual basis for any plea?

17 MS. ROTELLA: Certainly, Your Honor. I
18 would indicate that the government did file -- has
19 not filed but drafted a change of plea memorandum
20 which was provided to the Court in advance of today's
21 hearing and also was provided to the defendant and
22 his attorney. His attorney has indicated that
23 they've both gone over it together and that they
24 agree with the facts, all of the facts, that were
25 cited in the change of plea memorandum. But the

1 change of plea memorandum is 29 pages long, and so
2 there was a shortened factual basis that we were --
3 we've agreed to offer the Court here as part of the
4 hearing, but to note for the record that they both
5 expressly agree with all of the facts that are
6 contained in the larger 29-page change of plea
7 memorandum. So if that is --

8 THE COURT: Has that been signed by the
9 defendant?

10 MS. ROTELLA: It has not, but we --

11 THE COURT: Well --

12 MS. ROTELLA: We certainly could have that.

13 THE COURT: Well, does he have -- has --

14 MR. ORTIZ: He has -- Your Honor, I -- we
15 have had -- we had a copy. My client has his own
16 copy of both. And in the interest of not reading all
17 29 pages, we came up with a summary which my client
18 also has fully reviewed, so --

19 THE COURT: All right. Well, why don't --

20 MR. ORTIZ: And I've reviewed it many times
21 with him.

22 THE COURT: I believe I have the -- I have
23 the change of plea memorandum, which is the full
24 version, the complete version, correct?

25 MR. ORTIZ: Yes.

1 MS. ROTELLA: So we could have the
2 defendant sign that, Your Honor.

3 THE COURT: Well, at least we could -- why
4 don't we place a copy before him and have it marked
5 as exhibit -- we'll just mark it as Exhibit 1 --

6 MR. ORTIZ: Yes.

7 THE COURT: -- and file it of record, all
8 right?

9 MR. ORTIZ: Yes. That's what I was going
10 to say. We could file it as an exhibit, and we --

11 THE COURT: Why don't we do that?

12 MR. ORTIZ: -- agree to stipulate --

13 THE COURT: All right.

14 MR. ORTIZ: -- to the acts contained
15 therein.

16 THE COURT: Well, Mr. Levin, do you have
17 before you Exhibit 1, is that -- which is called
18 "Change of Plea Memorandum?"

19 THE DEFENDANT: Yes, I have it.

20 THE COURT: Okay. Have you read that
21 document?

22 THE DEFENDANT: Yes, I have.

23 THE COURT: Do you agree with the factual
24 assertions made in that change of plea memorandum?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: And have you discussed this
2 with your attorney?

3 THE DEFENDANT: Yes, I have.

4 THE COURT: Anything further that -- and
5 when you say you agree with the statement -- I think
6 it was signed by Sarah Damiani, the Assistant United
7 States Attorney --

8 THE DEFENDANT: That's correct.

9 THE COURT: -- on June 23rd, 2022, is that
10 correct?

11 THE DEFENDANT: Yes, it is.

12 THE COURT: That's the document?

13 THE DEFENDANT: Yes.

14 THE COURT: And has anyone forced you to
15 agree to that statement of facts?

16 THE DEFENDANT: No, sir.

17 THE COURT: Are you agreeing to that
18 statement of facts of your own free will?

19 THE DEFENDANT: Yes, I am.

20 THE COURT: All right. Ms. Rotella, would
21 you please state the maximum penalties to which Mr.
22 Levin is subject, including any mandatory minimum
23 penalties?

24 MS. ROTELLA: Certainly, Your Honor. For
25 foreign travel -- I'm sorry, excuse me one second.

1 For the offenses charged in Counts 6 and 9, which is
2 foreign travel to engage in sex with a minor, the
3 maximum term of imprisonment is a 30-year term, a
4 five-year period of supervised release, a \$250,000
5 fine, a \$100 special assessment. But if he's found
6 not to be indigent here, he is also subject to an
7 additional \$5,000 mandatory special assessment under
8 the Justice for Victims of Trafficking Act.

9 For Count 11, the attempted sex-trafficking
10 of a minor -- and I should say for Counts 6 and 9,
11 that's for each count.

12 Count 11, attempted sex-trafficking of a
13 minor, he faces a maximum of life in prison, a ten-
14 year mandatory minimum term, mandatory minimum of
15 five years up to lifetime supervised release, a
16 \$250,000 fine, a \$100 special assessment. Again, if
17 found not to be indigent, the additional \$5,000 fine
18 for the Justice for Victims of Trafficking also
19 applies.

20 For Counts 13 and 14, which charge
21 distribution of child pornography, and for Count 16,
22 which charges transportation, they all carry the same
23 penalties. And for each count, you face a maximum of
24 20 years imprisonment with a mandatory minimum five-
25 year term, a mandatory minimum five years up to a

1 lifetime of supervised release, a \$250,000 fine, a
2 \$100 special assessment. The \$5,000 assessment under
3 the Justice for Victims of Trafficking Act applies
4 for each count as well if you're found not to be
5 indigent. There's mandatory restitution to each of
6 your victims in the minimum amount of \$3,000, as well
7 as these three counts carry additional special
8 assessments of up to \$35,000 each.

9 So then all total, what you are looking at
10 is a maximum of life in prison with a mandatory
11 minimum of ten years, a mandatory minimum five years
12 up to a lifetime supervised release, a \$1.5 million
13 fine, \$600 in special assessments, an additional
14 \$30,000 mandatory special assessments under that
15 Justice for Victims of Trafficking Act if you're
16 found not to be indigent. An additional up to
17 \$105,000 mandatory assessment may also be found to
18 apply. Again, restitution is mandatory in a minimum
19 amount of \$3,000 for Counts 13, 14, and 16.

20 You also face forfeiture of all the
21 proceeds from your offenses, all the property that's
22 involved in the commission of your offenses. And of
23 course you are also subject, according to your plea
24 agreement, to the no contact provision with any of
25 your victims.

1 You've also been advised that you are
2 subject to SORNA, which is the registration
3 requirement as a result of your convictions, and you
4 are also informed that supervised release may be
5 revoked if your terms and conditions are violated,
6 and that you face up to five years additional on
7 Count 11, three years additional on Counts 6 and 9,
8 and two years additional on Counts 13, 14, and 16.
9 Thank you.

10 THE COURT: Mr. Levin, do you understand
11 that the maximum and mandatory minimum penalties are
12 as set forth by the Assistant United States Attorney?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: Do you also understand, Mr.
15 Levin, that the guilty plea agreement which you
16 signed contains a joint recommendation with respect
17 to a sentencing range? Do you understand that, that
18 both --

19 THE DEFENDANT: Yes.

20 THE COURT: -- you and the government have
21 agreed on a recommendation to the Court?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that that
24 recommendation is in no way binding upon this Court?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: Do you also understand, Mr.
2 Levin, that if you plead guilty and are sentenced,
3 you may be deprived of certain valuable rights, such
4 as your right to vote, to hold public office, to
5 serve on a jury, to serve in the armed forces, to
6 possess a firearm, or to hold a professional license?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand that the
9 Court will not be able to determine how the advisory
10 sentencing guidelines and other applicable law will
11 be applied in your case until after a presentence
12 report has been completed, and both you and the
13 government will have an opportunity to challenge any
14 facts or other matters set forth in that report?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Are you aware that the Court
17 could, in appropriate circumstances, impose a
18 sentence which is more severe or less severe than a
19 sentence which the advisory sentencing guidelines
20 recommend?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand that when
23 there is a mandatory minimum sentence, as there is
24 here, the Court cannot sentence you below that
25 mandatory minimum sentence unless the government

1 files a motion permitting me to do so?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that if you
4 are sent to prison, a term of supervised release will
5 be imposed to be served after you are released from
6 prison?

7 THE DEFENDANT: Yes, I understand.

8 THE COURT: And that if you should violate
9 your terms of supervised release, you may be returned
10 to prison?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand on the basis
13 of a guilty plea, the Court may impose a sentence up
14 to the maximum permitted by law?

15 THE DEFENDANT: Yes, I understand.

16 THE COURT: Do you understand that you will
17 not be entitled to withdraw any guilty plea if I
18 should impose a more severe sentence than you expect
19 or than anyone else recommends?

20 THE DEFENDANT: Yes, I understand.

21 THE COURT: Mr. Levin, have you discussed
22 with your attorney the charges against you, your
23 right to contest them, and the maximum and mandatory
24 minimum penalties?

25 THE DEFENDANT: We have discussed that.

1 THE COURT: Having heard from me what your
2 rights are if you plead not guilty and what may occur
3 if you plead guilty, do you still wish to give up
4 your right to a trial and plead guilty?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Has anyone threatened you,
7 coerced you, or forced you in any way to plead
8 guilty?

9 THE DEFENDANT: No.

10 THE COURT: Has any plea agreement been
11 entered into or any promises made other than what has
12 already been stated on the record here?

13 THE DEFENDANT: No, sir.

14 THE COURT: Has anyone told you or promised
15 you what sentence this Court will impose?

16 THE DEFENDANT: No.

17 THE COURT: Has the decision to change your
18 plea to guilty been made of your own free will?

19 THE DEFENDANT: Yes.

20 THE COURT: Does either the attorney for
21 the government or the attorney for the defendant have
22 any doubts as to the defendant's competence to enter
23 a plea at this -- today?

24 MS. ROTELLA: No, Your Honor.

25 MR. ORTIZ: No, Your Honor.

1 THE COURT: Are counsel satisfied that the
2 willingness to plead guilty is voluntary?

3 MS. ROTELLA: Yes, Your Honor.

4 MR. ORTIZ: Yes, Your Honor.

5 THE COURT: Are counsel satisfied that a
6 guilty plea is not based on any plea agreement or
7 promises except as disclosed on this record?

8 MS. ROTELLA: Yes, Your Honor.

9 MR. ORTIZ: I'm satisfied, yes, Your Honor.

10 THE COURT: Are counsel satisfied that any
11 guilty plea is being made with a full understanding
12 by the defendant of the nature of the charges, of the
13 maximum and mandatory minimum penalties, and of the
14 defendant's legal rights to contest the charges?

15 MS. ROTELLA: Yes, Your Honor.

16 MR. ORTIZ: Yes, Your Honor.

17 THE COURT: Are counsel satisfied there is
18 a factual basis for the plea?

19 MS. ROTELLA: Yes, Your Honor.

20 MR. ORTIZ: Yes, Your Honor.

21 THE COURT: Mr. Scheidt, would you please
22 take the plea?

23 COURTROOM DEPUTY: Mr. Levin, would you
24 please rise? Mr. Craig Alex Levin, you have here
25 before pleaded not guilty to bill of superceding

1 indictment number 2019-728-1, charging you with
2 Counts 6 and 9, interstate and foreign travel for the
3 purpose of engaging in illicit sexual conduct with a
4 minor in violation of Title 18 United States Code
5 Section 2423(b) and (f); Count 11 charging you with
6 sex-trafficking of a minor in violation of Title 18
7 United States Code Section 1591(a)(1), (b)(2), (c),
8 1594, and 1956(a)(1); also charging you with Counts
9 13 and 14, distribution of child pornography --

10 (Pause in proceedings.)

11 COURTROOM DEPUTY: -- distribution of child
12 pornography in violation of Title 18 United States
13 Code Section 2252(a)(2), (b)(1); and also Count 16,
14 transportation of child pornography in violation of
15 Title 18 United States Code Section 2252(a)(1) and
16 (b). Now, as to Counts 6, 9, 11, 13, 14, and 16 of
17 the superceding indictment, how do you plead, guilty
18 or not guilty?

19 THE DEFENDANT: Not guilty.

20 COURTROOM DEPUTY: Thank you. Please be
21 seated.

22 MS. ROTELLA: Wait, I'm sorry.

23 THE COURT: Not guilty? Well --

24 THE DEFENDANT: Yeah, I plead guilty.

25 THE COURT: You're pleading guilty?

1 THE DEFENDANT: Yeah.

2 THE COURT: Mr. Levin, are you pleading
3 guilty to Counts 6, 9, 11, 13, 16 -- 14, and 16 of
4 the superceding indictment because you are, in fact,
5 guilty as charged?

6 THE DEFENDANT: Yes.

7 THE COURT: You may be seated. I find that
8 the defendant, Craig Alex Levin, is competent to
9 plead, that his plea of guilty is knowing and
10 voluntary and not the result of force or threats or
11 any promises apart from the plea agreement disclosed
12 on this record, that there is a factual basis for his
13 plea of guilty, that the defendant understands the
14 charges, his legal rights, and the maximum and
15 mandatory minimum penalties involved, and that the
16 defendant understands that he is waiving and is
17 giving up his right to a trial. The Court accepts
18 the guilty plea.

19 I'll order a presentence investigation
20 report by the Probation Office, and I will set
21 sentencing for early October of this year. Do you
22 have a date?

23 COURTROOM DEPUTY: Your Honor, Thursday,
24 October 6th, at 10:00 a.m. Thursday, October 6th --

25 THE COURT: 6th, at 10 a.m.

1 COURTROOM DEPUTY: -- at 10 a.m.

2 THE COURT: Anything further from the
3 government, Ms. Rotella?

4 MS. ROTELLA: No, Your Honor. Thank you.

5 THE COURT: Mr. Ortiz, anything further?

6 MR. ORTIZ: No, Your Honor. Thank you.

7 THE COURT: Thank you very much.

8 (Proceedings adjourned, 11:42 a.m.)

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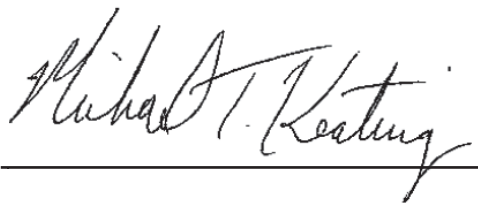
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CERTIFICATION

I, Michael Keating, do hereby certify that
the foregoing is a true and correct transcript from the
electronic sound recordings of the proceedings in the
above-captioned matter.

7/4/22

Date

A handwritten signature in black ink, reading "Michael T. Keating". The signature is written in a cursive style with a horizontal line underneath it.

Michael Keating